

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

STEVEN J. CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number CIV-08-599-C
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION AND ORDER**

On July 28, 2009, the Court issued an Order and Judgment reversing Defendant's decision denying disability benefits, and remanded for further proceedings. Defendant issued a favorable decision for Plaintiff in March 2011. A notice of award was issued by the agency in the amount of \$78,295.00 on June 13, 2011. Counsel for the Plaintiff received this notice of award by fax on August 18, 2011.

Plaintiff now seeks to reopen the case pursuant to Fed. R. Civ. P. 60 so that she may timely file a request for attorney's fees pursuant to 42 U.S.C. § 406(b). Plaintiff's request is in accordance with the procedure set forth by the Tenth Circuit in McGraw v. Barnhart, 450 F.3d 493 (10th Cir. 2006) (finding that fee requests under §406(b) should be made procedurally under Fed. R. Civ. P. 60 where court has remanded to Commissioner for fee award).

For the reasons set forth herein, Plaintiff's Motion Under F.R.C.P. 60 to Reopen Judgment (Dkt. No. 32) is GRANTED.

IT IS SO ORDERED this 16th day of September, 2011.



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ROBIN J. CAUTHRON  
United States District Judge